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Practitioner's Docket No. WRF-002USP

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Porter, Warren P.; Mitchell, John W.  
Application No.: 09/938,196 Group No.: 2673  
Filed: 08/23/01 Examiner:  
For: Method and system for calculating the spatial-temporal effects of climate and other environmental conditions on animals

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 305-8007 (Office of Finance Fax No.) on the date shown below:

1. Request for Refund.

5/9/2002  
Date

Patricia Smith King

Signature



Office of Finance  
Refund Section

May 14 PM 2:24

#41 Reg for  
Refund  
06-13-02  
PATENT

Practitioner's Docket No. WRF-002USP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Warren P. Porter, John W. Mitchell

Application No.: 09/938,196      Group No.: 2673  
Filed: August 23, 2001      Examiner:Commissioner for Patents and Trademarks  
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

## I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 501486, shown on the statement dated November 30, 2001, for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231

## FACSIMILE



transmitted by facsimile to the Patent and Trademark Office.

Patricia Smith King  
Signature  
Patricia Smith King  
(type or print name of person certifying)

Date: 5/9/2002

	<b>AMOUNT OF REFUND REQUESTED</b>
Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. section 1.16(e))	\$65.00
<b>TOTAL REFUND REQUESTED</b>	<b>\$65.00</b>

### **III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

1. 10/01/2001 - Mailing date of Notice to File Missing Parts was mailed in above-referenced case, noting that the oath or declaration was missing and must be filed by deadline of 12/01/2001.
2. 10/15/2001 - Missing Declarations were mailed to USPTO via certified mailing, including our ck. #1687 for \$65 to cover cost of late filing of Declaration.
3. 11/19/2001 - It was discovered that the certified mailing of 10/15/2001 had not yet reached the USPTO due to anthrax contamination and quarantine of mail at the US Post Office serving the USPTO. I called USPTO Customer Service Center regarding this and spoke to Valerie Kinard who suggested I fax the Declarations to her Office in order to avoid missing the deadline. A fax was delivered same day with a note to charge Deposit Account #501,486 in order that the Declarations and late fee would be received in full by the deadline of 12/01/2001.
4. 11/27/01 - My Deposit Account was charged the late fee of \$65 according to the fax of 11/19/01 above.
5. 1/31/2002 - The check (#1687 for \$65) originally sent with the certified mailing on 10/15/2001 was cashed (see enclosed bank statement) when the mailed Declarations of 10/15/2001 were finally released from USPS quarantine and reached the USPTO, resulting in a double charge for the late filing fee of \$65, since my Deposit acct. had already been charged for same.

For the above reasons, the late fee of \$65 was paid twice. I request that reimbursement of the overcharge of \$65 be deposited in my Deposit Account #501,486.

**IV. MANNER OF REFUND**

Please make refund by crediting Account No. 501486.

Date: 5/9/2002

*Patricia Smith King*

Patricia Smith King  
Registration No. 41899  
King Research & Law  
222 N. Midvale Blvd., #22  
Madison, WI 53705-5076  
1-608-231-2988  
Customer No. 22224



**MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

KING RESEARCH & LAW  
PATRICIA SMITH KING  
222N. MIDVALE BLVD., #22

MADISON WI 53705

FINA

Account No.	501486
Date	11-30-01
Page	1

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
11	27	01	53	09938196	WARF-002	205	65.00	1405.00

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE  
1470.00

**TOTAL CHARGES  
65.00**

**TOTAL CREDITS**  
**0.00**

CLOSING BALANCE  
1405.00

## Statement

M&I MARSHALL & ILSLEY BANK #50300  
P O BOX 2045  
MILWAUKEE WI 53201-2045

Page 1 of 2

Call 608-222-5169  
or 1-888-464-5463  
For 24-Hour Account  
Information or  
Current Rates

PATRICIA SMITH KING  
222 N MIDVALE BLVD SUITE 22  
MADISON WI 53705-5072

098/50300

Statement Closing Date January 31, 2002

**SMALL  
BUSINESS  
DEPOSIT  
ACCOUNT**

Account no. 5 [REDACTED]

**Activity on your account**

Date	Deposits	Checks/Charges	Description
Jan 31		65.00	CHECK 1687
		80.00	CHECK 1695
Jan 14		370.00	CHECK 1703*
Jan 3		20.00	CHECK 1724*
Jan 2		691.00	CHECK 1725
		128.00	CHECK 1726
Jan 10		547.00	CHECK 1729*
Jan 2		401.44	CHECK 1730
Jan 10		535.97	CHECK 1731
Jan 2		16.25	CHECK 1732
Jan 15		23.55	CHECK 1735*
Jan 18		22.00	CHECK 1736
		58.03	CHECK 1737
Jan 28		40.00	CHECK 1738
Jan 18		12.80	CHECK 1739
Jan 23		200.00	CHECK 1740
Jan 30		205.00	CHECK 1741
Jan 22		12.45	CHECK 1742
Jan 24		4,000.00	CHECK 1743
Jan 28		22.50	CHECK 1745*
Jan 30		22.50	CHECK 1747*
Jan 31		10.50	CHECK 1748
Jan 14	7,222.75		DEPOSIT
Jan 18	962.30		DEPOSIT
	8,185.05	7,483.99	Totals
Average Ledger Balance		11,168.91	
Beginning Balance	9,916.31		Ending Balance
			10,617.37

Continued on next page

ALL BILLS  
OF ATTORNEY  
TO PAYABLE  
RARE EARTH MAGNETS

P.O. BOX 708 WEST CHEM NY 11801

(516) 333-3144 (516) 333-3144XX  
9201

2001-11-11 PM 2:11

TO LATROBE MAGS 708-308-3097  
PLEASE RESEND NOT LESS THAN \$ 375.00 OVERDUEMENT FOR  
PATENT 5,762,743 FEB 4 1998 FNT JAN 21 HELD IN WITHHELD PURCHASE  
AND NEVER DEPOSITED UNTIL RELEASED FROM POST OFFICE. SAME AS SECOND  
CHECK FROM ME AS PAYMENT BELIEVING FIRST CHECK WAS LOST. MY FIRST  
CHECK WAS CASHED AND SECOND CHECK WAS IN ITSELF. MY DISCUSSIONS  
WITH ATTORNEY IN PATENT OFFICE INSISTED I BE ADVISED 30 DAYS FOR  
LATE PAYMENT. IN ANY EVENT PLEASE SEND ME BACK A CHECK IMMEDIATELY  
FOR \$ 375.00. I'LL ATTEND TO THE \$ 65.00 PENALTY FINE IMMEDIATELY.  
CONCERNED

VERY COORDINATELY YOURS

JOHN J. RUSSELL

ADVISE BY RETURN FAX 516-333-9201 WHEN I CAN EXPECT TO RECEIVE  
THE \$ 375.00

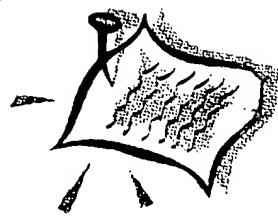
RECORDED

MAY-14-2002 13:17

COLLARD & ROE  
ATTEN, TRADEMARK & COPYRIGHT ATTORNEYS  
1977 Northern Boulevard  
Ridley, New York 11576

15163659805

P.01



1 MILE TRANSMISSION

Final  
Home  
Page

4, 2002

DATE INCLUDING COVER PAGE

NO. 03 Monthly Deposit Account- Refund Section 1dW03

2 TO-703-308-6778

DATE

Robin Pierce, Bookkeeper

Thompson-1 PCT / PCT/US01/12525

04/01

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04/12 10-76.

04/12 11 096.

04/12 263 7562.

MESSAGE:

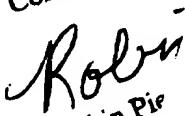
Dear Sirs:

We received our April 2002 monthly deposit account statement. There is

\$260.00. Kindly explain what this credit is for.

Sincerely,

Collard & Roe, P

  
Robin Pie

8 [TX/RX NO 62581